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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,872	11/28/2001	Tsunehiro Tsukada	35.G2941	9796
5514 7590 06/20/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER HANG, VU B	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 06/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/994,872	<b>Applicant(s)</b> TSUKADA, TSUNEHIRO	
	<b>Examiner</b> Vu B. Hang	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-9,11-14,21-24 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9,11-14,21-24 and 26-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/28/2005, 02/20/2002</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

- This office action is responsive to the communication filed on 03/27/2007.
- The amendments received on 03/27/2007 have been entered and made of record.
- Claims 5, 10, 15, 20, 25 and 30 have been cancelled.
- Claims 1-4, 6-9, 11-14, 21-24 and 26-29 are pending in the application.

### ***Response to Arguments***

1. Applicant's arguments filed on 03/27/2007 have been fully considered but they are not persuasive. The applicant stated on page 13 that the cited prior art reference, Rasansky et al. (US Patent 5,960,406), Clough et al. (US Patent 6,788,429 B1) and Levine et al. (US Patent 6,020,973), fails to teach or suggest “ a second obtaining unit to obtain, when the print server can transmit data to a plurality of printers, status information on a plurality of printers; and a selection control unit adapted to prohibit, based on the status information, an unusable printer from being selected by the external apparatus”. The examiner disagrees for the following reasons.

2. Clough discloses selecting a print manager to directly manage a print queue (see Fig.4 and Col.4, Line 20-29). Clough further discloses obtaining the status information on a plurality of printers and selecting a compatible print manager (see Fig.4 and Col.4, Line 30-41). It is obvious that the status information and the compatibility information would be used to prohibit the selection of an unusable printer on the network. Therefore, in the examiner's opinion, Clough teaches “an obtaining unit to obtain, when the print server can transmit data to a plurality of printers, status information on a plurality of printers; and a selection control unit adapted to

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prohibit, based on the status information, an unusable printer from being selected by the external apparatus”.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasansky et al. (US Patent 5,960,406) in view of Clough et al. (US Patent 6,788,429 B1).

5. Regarding **Claims 1, 6, and 11**, Rasansky discloses an information processing apparatus (see Fig. 9, Col.1, Line 54-65 and Col.8, line 7-16), comprising:

a receiving unit adapted to receive a request from an external apparatus (see Fig.1A (10), Col.4, Line 44-46 and Col.5, Line 1-8);

a generation unit adapted to generate, in response to a received request from the external apparatus, print data corresponding to a preview displayed on a display screen on the external apparatus (see Fig.7 (950), Col.2, Line 8-13 and Col.8, Line 7-16); and

an obtaining unit adapted to obtain instructions for printing via the display screen on the external apparatus (see Fig.7, Col.2, Line 8-13 and Col.8, Line 7-16).

Rasansky fails disclose a selecting unit adapted to select a print server to transmit the generated print data; a transmission control unit adapted to control transmission so that the print data is transmitted to the selected print server; and a second obtaining unit to obtain, when the

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print server can transmit data to a plurality of printers, status information on a plurality of printers; and a selection control unit adapted to prohibit, based on the status information, an unusable printer from being selected by the external apparatus. Rasansky, however, teaches the network communications between end users at client workstations (see Col.5, Line 22-27), requesting a printing operation from a workstation (see Col.5, line 1-8) and the use of communication servers for data manipulation and communication (see Fig. 1A (10) and Col.5, Line 41-44). Clough discloses a selecting unit adapted to select a print server (see Fig.1 and Col.3, Line 45-52), wherein the print server is selected in accordance with an external apparatus (see Fig.1 (12) and Col.3, Line 20-30); and a transmission control unit adapted to control the transmission of print data to the selected print server in response to instructions for printing (see Fig.2 (14,26), Col.3, Line 20-30, Col.4, Line 30-37). Clough further discloses selecting a print manager to directly manage a print queue (see Fig.4 and Col.4, Line 20-29); obtaining the status information on a plurality of printers; and selecting a compatible print manager (see Fig.4 and Col.4, Line 30-41).

Rasansky and Clough are combinable because they are from the same field of endeavor, namely network information processing systems. At the time of the invention, it would have been obvious for one skilled in the art to include to the apparatus a selecting unit adapted to select a print server to transmit the generated print data, and a transmission control unit to control the transmission of print data to the selected print server in response to instructions for printing. The motivation would be to allow for the end users at the external workstations to select the best available printers across the network to perform customized printing operations. Since the printers in a network environment are likely to have different capabilities, it would be necessary

to select the best available printer for printing a specific print data. In a multiple server environment, it could also be necessary to select the best available printer nearest to the workstation that is requesting the print operation. It is further obvious for one skilled in the art to include a second obtaining unit to obtain, when the print server can transmit data to a plurality of printers, status information on a plurality of printers; and a selection control unit adapted to prohibit, based on the status information, an unusable printer from being selected by the external apparatus. The motivation would be to select an available and compatible printer on the network. The status information and the compatibility information could be used to prohibit the selection of an incompatible or unavailable printer on the network.

6. Regarding **Claims 2, 7 and 12**, Rasansky further discloses a specification unit adapted to specify a template for generating the print data and data to be inserted into the template (see Fig.2B and Fig.3 (480,500,520)), wherein the generation unit generates the print data based on the template and the data specified by the specification unit (see Fig.7 (950), Col.2, Line 8-13 and Col.8, Line 7-16).

7. Regarding **Claims 3, 8 and 13**, Rasansky further discloses the display screen comprises a display screen displayed on web browser (see Col.5, Line 20-27), and the request from the external apparatus is communicated between the web browser and the external apparatus and a web server (see Col.5, Line 1-8 and Col.5, Line 41-44).

8. Regarding **Claims 4, 9 and 14**, Clough further discloses a determination unit adapted to determine, when the print server can transmit data to a plurality of printers, which printer is to be use to perform printing by analyzing the request from an external apparatus (see Fig.2 (42,44) and Col.4, Line 30-37), and wherein the transmission control unit controls the transmission of

print data and information designating the printer (see Fig.2 (14,26), Col.3, Line 20-30, Col.4, Line 30-37).

9. **Claims 21-24** recite identical features as Claims 1-4 except Claim 21-24 are in a form of a computer readable recording medium. Thus, arguments similar to that presented above for Claims 1-4 are equally applicable to Claim 21-24 because without a computer readable recording medium to store a program that makes it possible for the apparatus to operate, the apparatus described in Claims 1-4 could not function.

**Claims 26-29** recite identical features as Claims 1-4 except Claim 26-29 are in a form of a computer-executable program stored on a computer readable medium. Thus, arguments similar to that presented above for Claims 1-4 are equally applicable to Claim 26-29 because without a computer-executable program stored on a computer readable recording medium that makes it possible for the apparatus to operate, the apparatus described in Claims 1-4 could not function.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu B. Hang whose telephone number is (571) 272-0582. The examiner can normally be reached on Monday-Friday, 9:00am - 6:00pm.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vu Hang  
Assistant Examiner



KING Y. POON  
PRIMARY EXAMINER